Case 2:15-cr-20652-GCS-DRG ECF No. 1209 filed 10/04/19 PageID.2000 Page 1 of 26

STEVEN SCHARG, ESQ. On behalf of Keithon Porter <u>To Obtain Certified Transcript, Contact:</u> Ronald A. DiBartolomeo, Official Court Reporter Theodore Levin United States Courthouse 231 West Lafayette Boulevard, Room 1067 Detroit, Michigan 48226 (313) 962-1234 Proceedings recorded by mechanical stenography. Transcript produced by computer-aided transcription.

Case 2:15-	cr-20652-GCS-DRG	ECF No. 1909	filed 12/04/18	9 PageID.26002	Page 3 of 26
1		I	N D E X		
2					Page
3	Jury verdict				4
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15		E V	нвіт	g	
16		E A	пріі	5	
17	Identification_			Offered	Received
18					
19		N C	И	E	
20					
21					
22					
23					
24					
25					
	15	20652; USA v	. EUGENE Fl	SHER, ET AL	

Detroit, Michigan 1 2 Monday, August 27, 2018 3 At 8:30 a.m. 4 (Jury resumes deliberations.) 5 6 7 (Proceedings held without jury at 12:18 p.m.) 8 9 THE COURT: Okay, folks. You can take a 10 seat. 11 We received a note from the jury that reads that 12 they have agreed upon a verdict as to all of the 13 defendants, and in the meantime the Court will read the 14 last two messages received from the jury -- actually that 15 is the text of the message received at 11:15 a.m. Just prior to that, the Court received a request 16 for Exhibits 380, 402, 403, 412, 467, and 321 from the 17 18 jury foreperson, who is Number 70. 19 The Court also released its ruling on the Rule 29 20 motions. Those will be accessible to counsel, and 21 otherwise, I guess there's nothing to be done, but to have 22 the jury come in and receive their verdicts. 23 24 (Proceedings with jury at 12:20 p.m.) 25

THE COURT: Okay. You can take a seat.

Members of the jury, the Court has received your note indicating that you've reached verdicts on all defendants. If so, I'll have the jury foreperson delivered the verdicts to the clerk.

Let me take a quick review.

Okay. I'm going to have the clerk announce the verdicts, and we'll do this one by one. So we'll poll the jury in-between each of the defendants.

THE CLERK: Okay. As to Defendant 3, Eugene Fisher, Count 1, RICO conspiracy.

With respect to the RICO conspiracy charge in Count 1, we, the jury, unanimously find Eugene Fisher not quilty.

Count 25, attempted murder of Derrick Peterson,
Darnell Canady or Jason Gaskin in aid of racketeering.

With respect to the charge of attempted murder on or about May 10, 2015, we, the jury, unanimously find Eugene Fisher not guilty.

Count 27, use and carry of a firearm during and in relation to a crime of violence, namely the May 10, 2015 attempted murder of Derrick Peterson, Darnell Canady or Jason Gaskin in aid of racketeering in Count 25, we, the jury, unanimously find Eugene Fisher not guilty.

Count 32, possession of a firearm in furtherance

of a crime of violence in Count 1, RICO conspiracy, we, 1 2 the jury, unanimously find Eugene Fisher not guilty. 3 Count 33, felon in possession of a firearm, on September 26, 2015, we, the jury, unanimously find Eugene 4 Fisher guilty. 5 6 Count 34, felon in possession of a 7 firearm/ammunition, on November 12, 2015, we, the jury, 8 unanimously find Eugene Fisher guilty. THE COURT: Okay. Members of the jury, as it 9 10 relates to the defendant Mr. Fisher, you've heard the 11 verdicts stated by the clerk. Was that and is that your verdict? 12 13 ALL JURORS: Yes. 14 THE COURT: We will have you polled. Ms. 15 Beauchemin will ask you individually whether you agree with the verdict. 16 17 THE CLERK: Juror Number 1, were those and 18 are those verdicts? 19 JUROR NO. 1: Yes. THE CLERK: Juror Number 2, were those and 20 21 are those verdicts? 22 JUROR NO. 2: Yes. 23 THE CLERK: Juror Number 3, were those and 24 are those verdicts?

15-20652; USA v. EUGENE FISHER, ET AL

JUROR NO. 3: Yes.

25

1	THE CLERK: Juror Number 4, were those and
2	are those verdicts?
3	JUROR NO. 4: Yes.
4	THE CLERK: Juror Number 5, were those and
5	are those verdicts?
6	JUROR NO. 5: Yes.
7	THE CLERK: Juror Number 6, were those and
8	are those verdicts?
9	JUROR NO. 6: Yes.
10	THE CLERK: Juror Number 7, were those and
11	are those verdicts?
12	JUROR NO. 7: Yes.
13	THE CLERK: Juror Number 8, were those and
14	are those verdicts?
15	JUROR NO. 8: Yes.
16	THE CLERK: Juror Number 9, were those and
17	are those verdicts?
18	JUROR NO. 9: Yes.
19	THE CLERK: Juror Number 10, were those and
20	are those verdicts?
21	JUROR NO. 10: Yes.
22	THE CLERK: Juror Number 11, were those and
23	are those verdicts?
24	JUROR NO. 11: Yes.
25	THE CLERK: Juror Number 12, were those and
	15-20652; USA v. EUGENE FISHER, ET AL

are those verdicts?

JUROR NO. 12: Yes.

THE COURT: Okay. Thank you, folks.

Ms. Beauchemin, you can move onto the next.

THE CLERK: As to Defendant Number 4, Corey Bailey, Count 1, RICO conspiracy.

With respect to the RICO conspiracy charged in Count 1, we, the jury, unanimously find Corey Bailey quilty.

Did defendant Corey Bailey between July 14, 2014 through September 26,2015 conspire with another conspirator to assault rival gang members with intent to commit murder? Yes.

Question 2, did defendant Corey Bailey commit or cause to be committed, or aid and abet in the commission of the first degree murder of Djuan Page on or about July 14, 2014? Yes.

Question 3, did defendant Corey Bailey commit or cause to be committed, or aid and abet in the commission of the attempted murder, assault with intent to murder of Michael Davis, Martez Davis or Corey Crawford on or about July 14, 2014? Yes.

Count 4, murder of Djuan Page in aid of racketeering.

With respect to the charge of murder of Djuan Page

in aid of racketeering on or about July 14, 2014, we, the jury, unanimously find Corey Bailey guilty.

Count 5, use of a firearm during and in relation to a crime of violence causing death.

With respect to the charge of use of a firearm during and in relation to a crime of violence causing death, namely the July 14, 2014 murder of Djuan Page in aid of racketeering in Count 4, we, the jury, unanimously find Corey Bailey not guilty.

Counts 6, attempted murder of Michael Davis in aid of racketeering.

With respect to the charge of attempted murder of Michael Davis in aid of racketeering on or about July 14, 2014, we, the jury, unanimously find Corey Bailey guilty.

Count 7, attempted murder of Martez Davis in aid of racketeering.

With respect to the charge of attempted murder of Martez Davis in aid of racketeering on or about July 14, 2014, we, the jury, unanimously find Corey Bailey guilty.

Count 8, attempted murder of Corey Crawford in aid of racketeer.

With respect to the attempted murder of Corey
Crawford in aid of racketeering on or about July 14, 2014,
we, the jury, unanimously find Corey Bailey guilty.

Count 12, use and carry of a firearm during and in

relation to a crime of violence.

With respect to the charge of use and carry of a firearm during and in relation to a crime of violence, namely the July 14, 2014 attempted murder of Michael Davis, Martez Davis, Corey Crawford in aid of racketeering in Counts 6, 7 or 8, we, the jury, unanimously find Corey Bailey not guilty.

Count 32, possession of a firearm in furtherance of a crime of violence.

With respect to the charge of possession of a firearm in furtherance of a crime of violence in Count 1, RICO conspiracy, we, the jury, unanimously find Corey Bailey guilty.

THE COURT: Members of the jury, you've heard your verdicts read by the clerk of the court. Were those and are those your verdicts?

ALL JURORS: Yes.

THE COURT: We'll individually poll you as well.

THE CLERK: Juror Number 1, were those and are those your true verdicts?

JUROR NO. 1: Yes.

THE CLERK: Juror Number 2, were those and are those your true verdicts?

JUROR NO. 2: Yes.

1	THE CLERK: Juror Number 3, were those and
2	are those your true verdicts?
3	JUROR NO. 3: Yes.
4	THE CLERK: Juror Number 4, were those and
5	are those your true verdicts?
6	JUROR NO. 4: Yes.
7	THE CLERK: Juror Number 5, were those and
8	are those your true verdicts?
9	JUROR NO. 5: Yes.
10	THE CLERK: Juror Number 6, were those and
11	are those your true verdicts?
12	JUROR NO. 6: Yes.
13	THE CLERK: Juror Number 7, were those and
14	are those your true verdicts?
15	JUROR NO. 7: Yes.
16	THE CLERK: Juror Number 8, were those and
17	are those your true verdicts?
18	JUROR NO. 8: Yes.
19	THE CLERK: Juror Number 9, were those and
20	are those your true verdicts?
21	JUROR NO. 9: Yes.
22	THE CLERK: Juror Number 10, were those and
23	are those your true verdicts?
24	JUROR NO. 10: Yes.
25	THE CLERK: Juror Number 11, were those and
	15-20652; USA v. EUGENE FISHER, ET AL

1 are those your true verdicts? 2 JUROR NO. 11: Yes. 3 THE CLERK: Juror Number 12, were those and are those your true verdicts? 4 JUROR NO. 12: Yes. 5 6 THE COURT: All right. Thank you. 7 Ms. Beauchemin? 8 THE CLERK: As to Defendant Number 6, Robert 9 Brown. Counts 1, RICO conspiracy. 10 With to respect to the RICO conspiracy charge in 11 Count one, we, the jury, unanimously find Robert Brown, II 12 guilty. 13 Question 1, did the defendant Robert Brown, II, 14 between July 14, 2014 through September 26, 2015, conspire 15 with another conspirator to assault rival gang members with intent to commit murder? Yes. 16 Number 2, did the defendant Robert Brown, II 17 18 commit or cause to be committed, or aid and abet in the 19 commission of the first degree murder of Cleo McDougal on or about June 7, 2006? Yes. 20 21 Did defendant Robert Brown commit or cause to be 22 committed, or aid and abet in the commission of the 23 attempted murder, assault with intent to murder of Derrick 24 Peterson, Darnell Canady or Jason Gaskin on or about

15-20652; USA v. EUGENE FISHER, ET AL

25

May 10, 2015? Yes.

Count 2, murder of Cleo McDougal in aid of racketeering.

With respect to the charge of murder of Cleo McDougal in aid of racketeering on or about June 7, 2006, we, the jury, unanimously find Robert Brown, II not guilty.

Count 3, use of a firearm during and in relation to a crime of violence causing death.

With respect to the charge of use of a firearm during and in relation to a crime of violence causing death, namely the June 7, 2006 murder of Cleo McDougal in aid of racketeering in Count 2, we, the jury, unanimously find Robert Brown, II not guilty.

Count 25, attempted murder of Derrick Peterson,

Darnell Canady or Jason Gaskin in aid of racketeering.

With respect to the charge of attempted murder of Derrick Peterson, Darnell Canady or Jason Gaskin in aid of racketeering on or about May 10, 2015, we, the jury, unanimously find Robert Brown, II guilty.

Count 27, use and carry of a firearm during and in relation to a crime of violence.

With respect to the May 10, 2015 attempted murder of Derrick Peterson, Darnell Canady or Jason Gaskin in aid of racketeering in Count 25, we, the jury, unanimously find Robert Brown, II quilty.

1	1

1	Count 32, possession of a firearm in furtherance
2	of a crime of violence in Count 1 RICO conspiracy, we, the
3	jury, unanimously find Robert Brown, II guilty.
4	THE COURT: Members of the jury, you heard
5	the verdict as stated by the court clerk. Were those and
6	are those your verdicts?
7	ALL JURORS: Yes.
8	THE COURT: All right. We're going to have
9	you individually polled again.
10	THE CLERK: Juror Number 1, were those and
11	are those your true verdicts?
12	JUROR NO. 1: Yes.
13	THE CLERK: Juror Number 2, were those and
14	are those your true verdicts?
15	JUROR NO. 2: Yes.
16	THE CLERK: Juror Number 3, were those and
17	are those your true verdicts?
18	JUROR NO. 3: Yes.
19	THE CLERK: Juror Number 4, were those and
20	are those your true verdicts?
21	JUROR NO. 4: Yes.
22	THE CLERK: Juror Number 5, were those and
23	are those your true verdicts?
24	JUROR NO. 5: Yes.
25	THE CLERK: Juror Number 6, were those and
	15 00650 HGA BUGDNE BIGUED BE AL

-	
	י ה
-	ᆫ

1	are those your true verdicts?
2	JUROR NO. 6: Yes.
3	THE CLERK: Juror Number 7, were those and
4	are those your true verdicts?
5	JUROR NO. 7: Yes.
6	THE CLERK: Juror Number 8, were those and
7	are those your true verdicts?
8	JUROR NO. 8: Yes.
9	THE CLERK: Juror Number 9, were those and
10	are those your true verdicts?
11	JUROR NO. 9: Yes.
12	THE CLERK: Juror Number 10, were those and
13	are those your true verdicts?
14	JUROR NO. 10: Yes.
15	THE CLERK: Juror Number 11, were those and
16	are those your true verdicts?
17	JUROR NO. 11: Yes.
18	THE CLERK: Juror Number 12, were those and
19	are those your true verdicts?
20	JUROR NO. 12: Yes.
21	THE COURT: All right. Thank you. We'll
22	move on to the next.
23	THE CLERK: Defendant 13, Arlandis Shy.
24	Count 1, RICO conspiracy.
25	With respect to the RICO conspiracy charge in
	15-20652; USA v. EUGENE FISHER, ET AL

Count 1, we, the jury, unanimously find Arlandis Shy guilty.

Question 1, did defendant Arlandis Shy, between July 14, 2014 through September 26, 2015, conspire with another conspirator to assault rival gang members with intent to commit murder? Yes.

Two, did defendant Arlandis Shy commit or cause to be committed, or aid and abet in the commission of the first degree Devante Roberts on or about May 8, 2015? No.

Three, did defendant Arlandis Shy commit or cause to be committed, or aid and abet in the commission of the attempted murder, assault with intent to murder, of Marquis Wicker, Darrio Roberts or Jesse Richie on or about May 8, 2015? No.

Count 16, murder of Devante Roberts in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Arlandis Shy not guilty.

Count 17, use and carry of a firearm during and in relation to a crime of violence causing death, namely the May 8, 2015 murder of Devante Roberts in aid of racketeering in Count 16, we, the jury, unanimously find Arlandis Shy not guilty.

Count 18, with respect to the charge of attempted murder of Marquis Wicker in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Arlandis

Shy not guilty.

Count 19, with respect to the charge of attempted murder of Darrio Roberts in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Arlandis Shy not guilty.

Count 20, with respect to the charge of attempted murder of Jesse Richie in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Arlandis Shy not guilty.

Count 24, with respect to the charge of use and carry of a firearm during and in relation to a crime of violence, namely the May 8, 2015 attempted murder of Marquis Wicker, Darrio Roberts or Jesse Richie in aid of racketeering in Counts 18, 19 or 20, we, the jury, unanimously find Arlandis Shy not guilty.

Count 32, possession -- with respect to the charge of possession of a firearm in furtherance of a crime of violence in Count 1, RICO conspiracy, we, the jury, unanimously find Arlandis Shy guilty.

THE COURT: Members of the jury, you've heard verdicts as stated by the clerk. Were those and are those your verdicts?

ALL JURORS: Yes.

THE COURT: Again, we will poll the jury.

THE CLERK: Juror Number 1, were those and

1	are those your true verdicts?
2	JUROR NO. 1: Yes.
3	THE CLERK: Juror Number 2, were those and
4	are those your true verdicts?
5	JUROR NO. 2: Yes.
6	THE CLERK: Juror Number 3, were those and
7	are those your true verdicts?
8	JUROR NO. 3: Yes.
9	THE CLERK: Juror Number 4, were those and
10	are those your true verdicts?
11	JUROR NO. 4: Yes.
12	THE CLERK: Juror Number 5, were those and
13	are those your true verdicts?
14	JUROR NO. 5: Yes.
15	THE CLERK: Juror Number 6, were those and
16	are those your true verdicts?
17	JUROR NO. 6: Yes.
18	THE CLERK: Juror Number 7, those and are
19	those your true verdicts?
20	JUROR NO. 7: Yes.
21	THE CLERK: Juror Number 8, were those and
22	are those your true verdicts?
23	JUROR NO. 8: Yes.
24	THE CLERK: Juror Number 9, were those and
25	are those your true verdicts?

1	9

JUROR NO. 9: Yes. 1 2 THE CLERK: Juror Number 10, were those and 3 are those your true verdicts? JUROR NO. 10: Yes. 4 5 THE CLERK: Juror Number 11, were those and 6 are those your true verdicts? 7 JUROR NO. 11: Yes. 8 THE CLERK: Juror Number 12, were those and 9 are those your true verdicts? 10 JUROR NO. 12: Yes. 11 THE COURT: All right. Thank you. And the 12 next? 13 THE CLERK: Defendant Number 19, Keithon 14 Porter. 15 Count 1, with respect to the RICO conspiracy charge in Count 1, we, the jury, unanimously find Keithon 16 17 Porter guilty. 18 Question 1, did defendant Keithon Porter between 19 July 14, 2014 through September 26, 2015, conspire with 20 another conspirator to assault rival gang members with 21 intent to commit murder? Yes. 22 Question 2, did defendant Keithon Porter commit or 23 cause to be committed, or aid and abet in the commission 24 of the attempted murder, assault with intent to murder, of 25 the Raphael Carter on or about May 1, 2015? No.

Question 3, did defendant Keithon Porter commit or cause to be committed, or aid and abet in the commission of the first degree murder of Devante Robert on or about May 8, 2015? Yes.

Number 4, did defendant Keithon Porter commit or cause to be committed, or aid and abet in the commission of the attempted murder, assault with intent to murder of Marquis Wicker, Darrio Roberts, or Jesse Ritchie on or about May 8, 2015? Yes.

Count 13, attempted murder of Raphael Carter in the aid of racketeering on or about May 1, 2015, we, the jury, unanimously find Keithon Porter not guilty.

Count 15, use and carry of firearm during and in relation to a crime of violence, namely the May 1, 2015 attempted murder of Raphael Carter in aid of racketeering in Count 13, we, the jury, unanimously find Keithon Porter not guilty.

Count 16, murder of Devante Roberts in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Keithon Porter guilty.

Count 17, with respect to the charge of use of a firearm during and in relation to a crime of violence causing death, namely the May 8, 2015 murder of Devante Roberts in aid of racketeering in Count 16, we, the jury, unanimously find Keithon Porter guilty.

Count 18, with respect to the charge of attempted murder of Marquis Wicker in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Keithon Porter guilty.

Count 19, with respect to the charge of attempted murder of Darrio Roberts in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Keithon Porter guilty.

Count 20, with respect to the charge of attempted murder of Jesse Ritchie in aid of racketeering on or about May 8, 2015, we, the jury, unanimously find Keithon Porter quilty.

Count 24, with respect to the charge of use and carry of a firearm during and in relation to the crime of violence, namely the May 8, 2015 attempted murder of Marquis Wicker, Darrio Roberts, or Jesse Ritchie in aid of racketeering in Counts 18, 19 or 20, we, the jury, unanimously find Keithon Porter guilty.

Count 32, possession of a firearm in furtherance of a crime of violence in Count 1, RICO conspiracy, with, we, the jury, unanimously find Keithon Porter guilty.

This is dated 8-27-2018, and signed by foreperson Number 70.

THE COURT: All right. Thank you, Marcia.

Again, you heard the verdicts as stated by our

1	court clerk. Were those and are those your verdicts?
2	ALL JURORS: Yes.
3	THE COURT: We will have you polled.
4	THE CLERK: Juror Number 1, were those and
5	are those your true verdicts?
6	JUROR NO. 1: Yes.
7	THE CLERK: Juror Number 2, were those and
8	are those your true verdicts?
9	JUROR NO. 2: Yes.
10	THE CLERK: Juror Number 3, were those and
11	are those your true verdicts?
12	JUROR NO. 3: Yes.
13	THE CLERK: Juror Number 4, were those and
14	are those your true verdicts?
15	JUROR NO. 4: Yes.
16	THE CLERK: Juror Number 5, were those and
17	are those your true verdicts?
18	JUROR NO. 5: Yes.
19	THE CLERK: Juror Number 6, were those and
20	are those your true verdicts?
21	JUROR NO. 6: Yes.
22	THE CLERK: Juror Number 7, were those and
23	are those your true verdicts?
24	JUROR NO. 7: Yes.
25	THE CLERK: Juror Number 8, were those and
	15 00650 1163

1 are those your true verdicts? 2 JUROR NO. 8: Yes. THE CLERK: Juror Number 9, were those and 3 are those your true verdicts? 4 JUROR NO. 9: Yes. 5 6 THE CLERK: Juror Number 10, were those and 7 are those your true verdicts? 8 JUROR NO. 10: Yes. THE CLERK: Juror Number 11, were those and 9 10 are those your true verdicts? 11 JUROR NO. 11: Yes. 12 THE CLERK: Juror Number 12, were those and 13 are those your true verdicts? 14 JUROR NO. 12: Yes. 15 THE COURT: All right. This was no picnic I'm sure, but I have to say that you did amazing job. You 16 17 had a mass of information that's probably the largest 18 volume of information in a criminal case that I've had. 19 You kept it all straight obviously addressed each individual as an individual, and you're verdicts were 20 21 perfectly consistent as contemplated by the verdicts forms 22 that were given to prepare. I think we could not have 23 asked anything more of you than what was received.

And on behalf of the community, and the parties to this case, I want to express our sincere thanks for the

24

25

work -- the enormous amount of work that you vested. I think it was last Tuesday that I read to you the deliberations instructions over again, and you left the courtroom that day, and since then it's nothing but work for you, and conscientious work at that for you to arrive at a conclusion with respect to each defendant.

Everyone associated with the case here is very impressed with the benefit of the -- with the work that you invested, with your willingness to continue talking about the case until an agreement could be reached, and it doesn't always happen, but again, on behalf of everybody here, I want to tell you how grateful we are for the effort that was undertaken here.

We will send you back to the jury room, and I will be joining you in there in just a minute.

(Jury discharged at 12:45 p.m.)

THE COURT: You can take a seat. We want to give sentencing dates. We'll have to furnish the sentencing dates for you, which will be four months out from today's date, but we'll have to give you a specific date sometime later today I think.

So as amazing as the job that was performed by the jurors was -- and I think it was an amazing efforts on

2.0

their part -- I want to commend counsel on this case, both from the government's side as well as from the defense side, for the professionalism and the work that was evidenced during the course of the trial.

On the government side, having all of two weeks to prepare for most of the participants in the trial other than Julie Finocchiaro, it was incredible. You obviously are very talented trial lawyers, and you were again, very professional, and worked well with the defense lawyers to ensure that everybody got a fair trial.

And for defense counsel as well, the same professionalism was shown by each of you, and the case was dealt with efficiently and in good conscience I think on the part of everybody involved.

So the Court wants to express my gratitude for your work on the case.

What remains is to set the sentencing dates.

Is there anything that I need to address before doing that?

MR. WIGOD: Nothing from the government.

THE COURT: I'm content to have Mr. Fisher's bond continued.

MR. BILKOVIC: Yes, your Honor.

THE COURT: Then we'll see you in about four months.

1 2 (Proceedings concluded at 12:48 p.m.) 3 CERTIFICATION 4 I, Ronald A. DiBartolomeo, official court 5 reporter for the United States District Court, Eastern 6 7 District of Michigan, Southern Division, appointed 8 pursuant to the provisions of Title 28, United States 9 Code, Section 753, do hereby certify that the foregoing is 10 a correct transcript of the proceedings in the 11 above-entitled cause on the date hereinbefore set forth. I do further certify that the foregoing 12 13 transcript has been prepared by me or under my direction. 14 15 s/Ronald A. DiBartolomeo October 1, 2018 Ronald A. DiBartolomeo, CSR Date 16 Official Court Reporter 17 18 19 20 21 22 23 24 25